

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

PHYLLIS LANGFORD, et al.

PLAINTIFFS

v.

No. 3:12-cv-00111 KGB

**JIMMY WILKINS, individually and
in his official capacity as Superintendent and
HUGHES SCHOOL DISTRICT NO. 27**

DEFENDANTS

ORDER

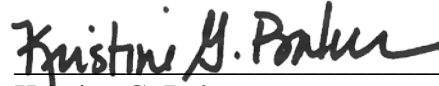
Before the Court is separate plaintiff Stacy A. Sharp's motion to non-suit her claims (Dkt. No. 53). Ms. Sharp moves to dismiss without prejudice her pending claims against all defendants. The Court grants the motion.

Ms. Sharp alleged in her complaint several causes of action arising under federal and state law, including a claim under Title VII. As for her Title VII claim, Ms. Sharp should be aware that the practical effect of a non-suit pursuant to Federal Rule of Civil Procedure 41(a) may be a dismissal with prejudice. Arkansas has a savings statute that entitles a party to refile a cause of action within one year after a dismissal without prejudice. Ark. Code Ann. § 16-56-126. However, that statute does not apply to extend the limitations period for Title VII claims, which are governed by a specific federal statute of limitations. *See Garrison v. Int'l Paper Co.*, 714 F.2d 757, 759 n.2 (8th Cir. 1983). Thus, in Title VII cases, a voluntary dismissal does not toll the ninety-day period to file suit. *Gatlin v. Missouri Pac. R.R. Co.*, 631 F.2d 551, 554 (8th Cir. 1980) ("[A] dismissal without prejudice leaves the situation so far as procedures therein are concerned the same as though the suit had never been brought and a party cannot deduct from the limitations period the time during which the action so dismissed was pending.").

The Court hereby grants Ms. Sharp's motion to non-suit her claims (Dkt. No. 53) and

dismisses without prejudice her claims against all defendants.

SO ORDERED this 28th day of August, 2013.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge